109TH CONGRESS
2D SESSION

H. R. 1871

AN ACT

To provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations.

1   *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Volunteer Pilot Orga-
nization Protection Act of 2006".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

    (1) Scores of public benefit nonprofit volunteer
pilot organizations provide valuable services to com-
munities and individuals.

    (2) In calendar year 2001, nonprofit volunteer
pilot organizations provided long-distance, no-cost
transportation for over 30,000 people in times of
special need.

    (3) Such organizations are no longer able to
reasonably purchase non-owned aircraft liability in-
surance to provide liability protection, and thus face
a highly detrimental liability risk.

    (4) Such organizations have supported the in-
terests of homeland security by providing volunteer
pilot services at times of national emergency.

(b) PURPOSE.—The purpose of this Act is to promote
the activities of nonprofit volunteer pilot organizations fly-
ing for public benefit and to sustain the availability of the
services that such organizations provide, including trans-
portation at no cost to financially needy medical patients
for medical treatment, evaluation, and diagnosis, as well

1 as other flights of compassion and flights for humani-

2 tarian and charitable purposes.

SEC. 3. LIABILITY PROTECTION FOR NONPROFIT VOLUN-

TEER PILOT ORGANIZATIONS FLYING FOR

PUBLIC BENEFIT AND TO PILOTS AND STAFF

OF SUCH ORGANIZATIONS.

7 Section 4 of the Volunteer Protection Act of 1997

8 (42 U.S.C. 14503) is amended—

9 (1) in subsection (a)(4)—

10 (A) by redesignating subparagraphs (A)

11 and (B) as clauses (i) and (ii), respectively;

12 (B) by inserting "(A)" after "(4)";

13 (C) by striking the period at the end and

14 inserting "; or"; and

15 (D) by adding at the end the following:

16 "(B) the harm was caused by a volunteer of a

17 nonprofit volunteer pilot organization that flies for

18 public benefit, while the volunteer was flying in fur-

19 therance of the purpose of the organization and was

20 operating an aircraft for which the volunteer was

21 properly licensed and insured, unless the conduct

22 constitutes a Federal crime of terrorism (as such

23 term is defined in section 2332b(g)(5) of title 18,

24 United States Code) or an act of domestic terrorism

25 (as such term is defined in section 2331 of such

1 title), or unless the entity has been convicted of an

2 offense under section 2339A of such title.'';

3   (2) in subsection (b)—

4   (A) by amending the heading to read as

5   follows: ''CONCERNING RESPONSIBILITY OF

6   VOLUNTEERS'';

7   (B) by inserting ''(1)'' before ''Nothing'';

8   and

9   (C) by adding at the end the following new

10   paragraph:

11 ''(2) Nothing in this section shall be construed

12 to affect the liability for negligence of a volunteer of

13 a nonprofit volunteer pilot organization that flies for

14 public benefit with respect to amounts within the

15 limits of liability insurance coverage that such volun-

16 teer is required to obtain pursuant to subsection

17 (a)(4)(B) for liability protection under this section.'';

18 and

19   (3) in subsection (c)—

20   (A) by inserting ''(1)'' before ''Nothing'';

21   and

22   (B) by adding at the end the following new

23   paragraph:

24 ''(2) Notwithstanding paragraph (1), a nonprofit vol-

25 unteer pilot organization that flies for public benefit, and

1 the staff, mission coordinators, officers, and directors
2 (whether volunteer or otherwise) of such organization or
3 a referring agency of such organization, shall not be liable
4 with respect to harm caused to any person by a volunteer
5 of such organization, while the volunteer is flying in fur-
6 therance of the purpose of the organization and is oper-
7 ating an aircraft for which the volunteer is properly li-
8 censed and has certified to such organization that such
9 volunteer has in force insurance for operating such air-
10 craft. Such referring agency shall include, among others,
11 any nonprofit organization that provides disaster relief
12 services that place staff, volunteers, evacuees, goods, sup-
13 plies, or cargo on aircraft flights being coordinated by vol-
14 unteer pilot organizations in circumstances of disaster re-
15 sponse and relief.''.

16 **SEC. 4. REPORT BY ATTORNEY GENERAL.**

17   (a) STUDY REQUIRED.—The Attorney General shall
18 carry out a study on the availability of insurance to non-
19 profit volunteer pilot organizations that fly for public ben-
20 efit. In carrying out the study, the Attorney General shall
21 make findings with respect to—

22   (1) whether nonprofit volunteer pilot organiza-
23   tions are able to obtain insurance;

24   (2) if no, then why;

1   (3) if yes, then on what terms such insurance

2   is offered; and

3   (4) if the inability of nonprofit volunteer pilot

4   organizations to obtain insurance has any impact on

5   the associations' ability to operate.

6   (b) REPORT.—After completing the study, the Attor-

7 ney General shall submit to Congress a report on the re-

8 sults of the study. The report shall include the findings

9 of the study and any conclusions and recommendations

10 that the Attorney General considers appropriate.

      Passed the House of Representatives July 17, 2006.

      Attest:

Clerk.

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